

## **REMARKS**

Claims 1-26 are pending in the present application and have been examined. Claims 1 and 8 have been amended to correct typographical errors and provide sufficient antecedent basis. In view of the following remarks, the Applicant respectfully requests reconsideration of the present application and allowance of the same.

### *Brief Summary of Examiner Interview*

The Examiner and the Applicant's undersigned representative held an Examiner interview on December 18, 2008. The Examiner and the Applicant's representative discussed the disclosure of U.S. Patent Publication No. 2002/0044059 to Reeder et al. and the subject matter recited in claim 1. No agreement was reached in the Examiner Interview. The Examiner requested that the Applicant's representative address the arguments presented in the Examiner Interview in a formal response to the *Office Action*. The Applicant's representative thanks the Examiner for granting an Examiner Interview and has prepared a formal response herein.

### *Claim Objections*

Claims 1-21 of the present application were objected to based on a typographical error. The Applicant has amended claim 1 to correct the typographical error and requests the objection be withdrawn.

### *Rejections Pursuant to 35 U.S.C. § 112*

The Examiner has rejected claim 8 under 35 U.S.C. 112 ¶ 2 for insufficient antecedent basis. The Applicant thanks the Examiner for her suggestion. The Applicant has amended claim 8 to correct sufficient antecedent basis and requests the rejection be withdrawn.

*Rejections Pursuant to 35 U.S.C. § 102*

The Examiner has rejected claims 1-12, 14-20, and 22-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0044059 to Reeder et al. (hereinafter *Reeder*). The Applicant respectfully traverses this rejection since *Reeder* fails to disclose each and every element recited in the aforementioned rejected claims.

*Reeder* does not teach a computing system which “transmit[s] control instructions to the medical care device to control the medical care to the patient” as recited in claim 1. The system of *Reeder* “permit[s] a caregiver to input instructions into the system.” *Reeder*, [0014]. *Reeder* does not disclose a system that “transmit[s] control instructions.” A closer read of *Reeder* shows that the “system” referred to is “a system for monitoring patient information.” *Reeder*, [0014]. As such, *Reeder* discloses that the instructions input to the system by the caregiver are related to the *monitoring* of patient information and not to the *control of medical care to the patient*. There is not disclosure by *Reeder* that any sort of control or other instruction is output by the system to control any other system. Rather, *Reeder* merely receives patient information. As such, the Applicant contends that this teaching of *Reeder* is deficient in addressing the embodiment of claim 1.

In addition, *Reeder* does not teach “a structure configured to ...transport the patient, the medical monitoring device, the **medical care device**, and the computing system **together**.” (emphasis added). *Reeder* discloses a transport system including a hospital bed or cart coupled to the hospital bed to which a computer and patient monitoring capabilities may be coupled. See *Reeder*, [0099]. *Reeder* does not disclose a transport system as recited in claim 1, which is configured to transport a medical care device in addition to the recited components. As such, *Reeder* cannot be said to anticipate the same.

Rejected claims 2-21 depend from independent claim 1 and thus incorporate the patentably distinguishing features of independent claim 1. Therefore, these claims are allowable for at least the corresponding reasons discussed above with respect to claim 1.

Independent claim 22 recites a method for, *inter alia*, “**providing control instructions** to the medical care device through the computing system **to provide medical care** to the patient” and “transporting the patient, the medical monitoring device, the medical care

device, and the computing system **together** by using the structure.” (emphasis added). As discussed above, *Reeder* discloses a caregiver that may manually input instructions into a system for monitoring purposes. *Reeder* does not disclose a system providing control instructions or transporting a patient, monitoring device care device and computing system as recited in claim 22. Thus, *Reeder*’s teaching does not anticipate claim 22.

Rejected claims 23-26 depend from independent claim 22 and thus incorporate the patentably distinguishing features of independent claim 22. Therefore, these claims are allowable for at least the corresponding reasons discussed above with respect to claim 22.

#### *Rejections Pursuant to 35 U.S.C. § 103*

The Examiner has rejected claim 13 as being unpatentable over *Reeder* in view of U.S. Patent Publication No. 2003/0140928 to Bui et al. (hereinafter *Bui*). Since the combination of *Reeder* and *Bui* fails to make obvious each and every element as recited in claim 13, the Applicant asserts that the rejection under 35 U.S.C. § 103 should be withdrawn.

As discussed in the context of the rejection under 35 U.S.C. § 102, *Reeder* does not disclose each and every element of independent claim 1. *Bui* discloses a system that administers treatment by a medical device. Since *Bui* does not cure the failings of *Reeder* with respect to claim 1, the embodiment in claim 1 is not obvious over the combination of *Reeder* and *Bui*. Claim 13 is dependent on claim 1 and should be allowable for at least the same reasons as claim 1 in addition to the patentable elements it recites.

The Examiner has rejected claim 21 as being unpatentable over *Reeder* in view of U.S. Patent Publication No. 2002/0014951 to Kramer et al. (hereinafter *Kramer*). Since the combination of *Reeder* and *Kramer* fails to make obvious each and every element as recited in claim 13, the Applicant asserts that the rejection under 35 U.S.C. § 103 should be withdrawn.

As discussed in the context of the rejection under 35 U.S.C. § 102, *Reeder* does not disclose each and every element of independent claim 1. *Kramer* discloses a method and apparatus for controlling a hospital bed. Since *Kramer* does not cure the failings of *Reeder* with respect to claim 1, the embodiment claims in claim 1 is not obvious over the

combination of *Reeder* and *Bui*. Claim 21 is dependent on claim 1 and should be allowable for at least the same reasons as claim 1 in addition to the patentable elements it recites.

## CONCLUSION

The Applicant contends that, for at least the foregoing reasons, claims 1-26 of the present application are patentable over *Reeder, Bui, and Kramer*. The Applicant respectfully requests removal of the objections and rejections and the issue of a notice of allowance. The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,  
Baird Mallory

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By: \_\_\_\_\_/deepa ravindranath/  
Deepa Ravindranath (Reg. No. 60,379)  
**Carr & Ferrell LLP**  
2200 Geng Road  
Palo Alto, CA 94303  
P: 650.812.3400  
F: 650.812.3444